IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
JAIPUR BENCH
S.B. Civil Writ Petition No.2203/07
Bijendra Singh Vs. MACT, Laxmangarh & Ors.

12.04.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri B.K. Sharma for petitioner.

Heard learned counsel for the petitioner.

The learned counsel for the petitioner submits that since the petitioner was registered owner of the vehicle and had already sold out the vehicle much before the date of accident, therefore, the new owner Karan Singh was responsible for making payment of the interim award passed the Tribunal on the principle of no fault liability u/s. 140

of the Motor Vehicles Act. Learned counsel referred to the order Annexure-8 passed by the same Tribunal in the claim petition filed in relation to other deceased which was based on the same accident. The said order was challenged before this Court in S.B. Civil Writ Petition 1784/06 by the respondent Karan Singh but his writ petition was dismissed vide judgment 31.8.2006. It has been argued that the very same Tribunal has taken a diametrically opposite view in passing the impugned order dated 30.11.06 by holding the petitioner responsible for payment of the interim award of Rs.50,000/-. If what the petitioner says is correct, there is no reason why the Tribunal would not look into the orders which are being relied on by the

petitioner in the present writ petition.

I therefore set the petitioner at liberty to again make an application before the Motor Accident Claims, Tribunal Laxmangarh, (Alwar) inviting attention of the Tribunal to the aforesaid facts for review and reconsideration of the order dated 30.11.06. The Tribunal is expected to consider and pass a reasoned order upon hearing all concerned including the respondent Karan Singh.

With these observations, the writ petition stands disposed of.

(Mohammad Rafiq),J.

Rs/-